

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF OKLAHOMA**

JONATHAN DALE MCCARTY,	)	
	)	
Petitioner,	)	
	)	
v.	)	Case No. CIV-22-330-J
	)	
SCOTT NUNN,	)	
	)	
Respondent.	)	

**ORDER**

Plaintiff, a state prisoner appearing pro se, filed a petition for habeas corpus relief under 28 U.S.C. § 2254. [Doc. No. 1]. The matter was referred for initial proceedings to United States Magistrate Judge Amanda Maxfield Green consistent with 28 U.S.C. § 636(b)(1)(B), (C). Currently pending is Judge Green’s Report and Recommendation in which she recommends the Court dismiss the action for failure to comply with the Court’s order to either pay the filing fee or file a motion to proceed *in forma pauperis* by May 16, 2022, which deadline the Court extended. [Doc. Nos. 6, 8, 10].

Additionally, for the reasons set forth in the order transferring this matter from the Northern District to this Court [Doc. No. 2], Judge Green recommends denial of Petitioner’s motion requesting he be “removed back to Northern district for convenience sake.” [Doc. Nos. 7, 8]. Petitioner was advised of his right to object to the Report and Recommendation by June 10, 2022 [Doc. No. 8], but filed no objection to this portion of Judge Green’s recommendation.

The Court is now in receipt of Petitioner’s filing fee. Accordingly, the portion of the Report and Recommendation [Doc. No. 8] recommending dismissal is MOOTED and the matter is RE-REFERRED to Judge Green. The portion of the Report and Recommendation recommending denial of Petitioner’s motion [Doc. No. 7] is ADOPTED.

IT IS SO ORDERED this 14<sup>th</sup> day of June, 2022.

A handwritten signature in blue ink, appearing to read "B.M.J.", is written above a horizontal line.

BERNARD M. JONES  
UNITED STATES DISTRICT JUDGE